

SERVICE DATE – JULY 11, 2014

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 290 (Sub-No. 360X)

**Yadkin Railroad Company – Abandonment Exemption –
in Stanly County, N.C.**

BACKGROUND

In this proceeding, Yadkin Railroad Company (YRC) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Stanly County, North Carolina. The rail line proposed for abandonment extends approximately 4.14 miles from milepost N 27.50 in North Albemarle, North Carolina to milepost N 31.64 in Albemarle, North Carolina (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage any track and related material, remove any structures associated with the Line, and dispose of the right-of-way.

The Line was previously the subject of a notice of exemption filed on October 25, 2006 by YRC and Norfolk Southern Railway Company [see Docket No. AB 290 (Sub-No. 270X) and Docket No. AB 290 (Sub-No. 281X)]. In the 2006 abandonment proceeding, the Surface Transportation Board (the Board) imposed several environmental conditions and concluded that the proposed abandonment would not significantly affect the quality of the human environment. In response to a request from the City of Albemarle, North Carolina (Albemarle), in which Albemarle expressed its intent to assume responsibility for the conversion of the Line into a multi-use trail, the Board also imposed a public use condition and an interim trail use condition. Following the Board's 2006 Director's Order imposing the conditions, YRC and Albemarle entered into trails use negotiations. The negotiation period was extended several times, but an agreement between YRC and Albemarle was not reached. Because the exemption that YRC invoked in the 2006 proceeding has lapsed, YRC has filed a new exemption in this proceeding.

ENVIRONMENTAL REVIEW

YRC submitted an Environmental Report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. YRC served the Environmental Report on a number of appropriate federal, state, and local agencies as required

by the Board's environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

YRC states that no traffic has moved over the Line in at least two years and that there have been no requests for service in that time. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

If abandonment authority is granted in this proceeding, YRC states that the approximately 2.10 mile portion of the Line that extends from Milepost N 27.50 to Milepost N 29.60 would be reclassified as industrial lead track and would be left in place for future development opportunities. The track and track materials on the remaining 2.04 miles of the Line, between Milepost N 29.60 and Milepost N 31.64, were salvaged in connection with the 2006 proceeding. Accordingly, the only salvage that would take place as a result of abandonment of the Line would be the removal of two bridges. The first bridge is located at approximately Milepost N 31.5 and crosses Little Long Creek. The second crosses Poplin Creek at approximately Milepost N 29.9. A third bridge, which crosses Town Creek at approximately Milepost N 29.5, would be left intact.

The Albemarle Office of Planning and Community Development submitted comments during the 2006 abandonment proceeding stating that the abandonment would be consistent with existing land use plans. In these comments, Albemarle expresses interest in converting the Line into a greenway. Albemarle has not submitted comments in the present abandonment proceeding.

The North Carolina Department of Transportation (NCDOT) submitted comments in the present abandonment proceeding, in which NCDOT notes that the most recent Stanly County, North Carolina transportation plan does not reference the proposed abandonment. NCDOT also notes that the most recent Albemarle, Badin and New London, North Carolina transportation plan references the proposed abandonment in the context of a proposed multi-use trail along the right-of-way and a proposed grade separated crossing at the intersection of the Line and Russell Road and Riley Street in Albemarle. NCDOT recommends that any design improvements or construction along or within the vicinity of the Line should consider the trail proposal referenced in the Albemarle, Badin, and New London, North Carolina transportation plan and should be coordinated with the NCDOT Division 10 Office in Albemarle.

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 290 (Sub-No. 360X).

OEA notes that the National Trails System Act (Trails Act)² gives interested parties the opportunity to negotiate voluntary agreements to use, for recreational trails, railroad rights-of-way that otherwise would be abandoned. The Board's role under the Trails Act is ministerial.³ The Board has no involvement in the negotiations between the railroad and the potential trail sponsor and does not approve or set the terms of trail use/railbanking agreements.⁴ As discussed above, the trails use negotiation period has expired in the 2006 abandonment proceeding and no trails use agreement has been reached between YRC and Albemarle. OEA understands that there are currently no plans for the conversion of the Line into a trail. Accordingly, we are not recommending any mitigation in response to NCDOT's comments.

The U.S. Natural Resource Conservation Service (NRCS) submitted comments in the 2006 abandonment proceeding stating that land classified as prime agricultural land lies under and adjacent to the Line. NRCS states that the proposed abandonment would not have a negative impact on the use of this prime farmland unless the proposed abandonment makes prime agricultural land inaccessible. Because salvage activities would be limited to the removal of two bridges, it is OEA's opinion that the proposed abandonment would not make lands classified as prime farmland inaccessible. Accordingly, no mitigation regarding the conservation of agricultural land is recommended.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. § 1536), OEA conducted a search of the U.S. Fish and Wildlife Service (USFWS) Endangered Species Database to identify any federally listed endangered or threatened species that may be affected by the proposed abandonment.⁵ The table below shows the protected species known or thought to occur in the county in which the proposed abandonment is located.

Federally Protected Species in Stanly County, North Carolina			
Group	Common Name	Scientific Name	Status
Flowering Plants	Schweinitz's sunflower	<i>Helianthus schweinitzii</i>	Endangered
	Georgia aster	<i>Symphyotrichum georgianum</i>	Candidate

USFWS submitted comments in the 2006 abandonment proceeding stating that abandonment of the Line would not be likely to adversely affect any federally listed threatened or endangered species. USFWS also submitted comments in the present abandonment proceeding stating that the current abandonment, as proposed, would not be likely to have an adverse effect on any threatened or endangered species. Because salvage would be limited to the

² 16 U.S.C. § 1247(d).

³ Goos v. ICC, 911 F.2d 1283, 1295 (8th Cir. 1990).

⁴ Georgia Great S. Div.—Aban. & Discontinuance Exemption—Between Albany & Dawson, in Terrell, Lee & Dougherty Counties, Ga., 6 S.T.B. 902, 907 (2003).

⁵ U.S. Fish and Wildlife Service, Endangered Species Database, <http://ecos.fws.gov/ecos/indexPublic.do> (last visited July 7, 2014).

removal of two bridges, OEA concurs with YRC and USFWS that no federally listed threatened or endangered species would be adversely affected by the proposed abandonment.

The North Carolina Wildlife Resources Commission (NCWRC) submitted comments stating that there are records indicating the presence of the Carolina darter (*Etheostoma collis*) in Little Long Creek, which is one of the streams where bridge removal would occur. NCWRC notes that the Carolina darter is a federal species of concern and a state species of special concern. NCWRC recommends that YRC implement several mitigation measures in order to minimize impacts to aquatic and terrestrial wildlife resources. First, NCWRC recommends that YRC adopt measures to avoid or minimize impacts to streams and wetlands during the removal of the two bridges. Second, NCWRC recommends that YRC consider replanting the riparian areas at the stream crossings with native trees and shrubs following bridge removal. Third, NCWRC states that YRC should install sediment and erosion control measures prior to any land clearing and construction and that YRC maintain and routinely inspect these measures. NCWRC also notes that Clean Water Act Section 404 permits (33 U.S.C. § 1344) and Clean Water Act Section 401 (33 U.S.C. § 1341) permits would be required for any impacts to jurisdictional streams or wetlands. OEA is recommending several environmental conditions to address NCWRC's comments, as discussed below.

The North Carolina Department of Environment and Natural Resources (NCDENR), Division of Water Quality (DWQ) submitted comments in the 2006 abandonment proceeding stating that the proposed abandonment would cause minimal land disturbance. In its 2006 comments, DWQ states that state erosion and sedimentation control requirements may apply to the proposed abandonment and recommends that YRC consult with the North Carolina Department of Environment and Natural Resources, Division of Land Resources (DLR) to assure that the proposed abandonment would be in compliance with erosion and sedimentation requirements. DWQ also notes that National Pollutant Discharge Elimination System (NPDES) permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) would be required for any land disturbance greater than one acre. In addition, DWQ recommends that YRC consult with the NCDENR Mooresville Regional Office regarding impacts to surface waters or wetlands related to the removal of the two bridges. OEA is recommending several environmental conditions to address DWQ's comments, as discussed below.

The United State Environmental Protection Agency (USEPA) submitted comments on the 2006 abandonment proceeding stating that, based on the information provided by YRC, the proposed abandonment would not be subject to NPDES permitting requirements. USEPA notes that NCDENR has been authorized by USEPA to implement the NPDES program and recommends that YRC consult with NCDENR in making a determination regarding the need for NPDES permits under Section 402 of the Clean Water Act. OEA is recommending an environmental condition to address USEPA's comments, as discussed below.

In the EA prepared in connection with the 2006 abandonment proceeding, OEA recommended conditions requiring YRC to (1) consult with DLR regarding applicable erosion and sedimentation control requirements, (2) consult with DWQ regarding applicable NPDES requirements, and (3) consult with the NCDENR Mooresville Regional Office regarding

potential impacts to surface waters or wetlands related to bridge removal activities. These conditions were subsequently imposed by the Board in its 2006 Director's Order. YRC states that it believes the conditions were satisfied at the time that the track and track materials were salvaged, but is unable to determine conclusively that the conditions were met. OEA has not been provided the results of any subsequent consultations with DLR, DWS, or the NCDENR Mooresville Regional Office.

In order to address the comments of NCWRC, DWS, and USEPA, OEA is recommending that the conditions previously imposed in the 2006 abandonment proceeding be imposed on the present abandonment. In addition to the previously imposed conditions, OEA also recommends that a condition be imposed requiring YRC to consult with NCWRC regarding voluntary activities to minimize potential impacts to aquatic and terrestrial wildlife resources. OEA recommends that YRC report back to OEA the results of any consultations with NCWRC, DWS, DLR, and the NCDENR Mooresville Regional Office.

The U.S. Army Corps of Engineers (the Corps) submitted comments pertaining to the 2006 abandonment proceeding. In its comments, the Corps states that the abandonment would not require a Corps permit under Section 404 of the Clean Water Act because salvage activity would not impact jurisdictional waters or wetlands. Although the Corps has not submitted comments in the present abandonment proceeding, OEA believes that conditions in the proposed project area should not have changed sufficiently to make additional consultation with the Corps necessary. Accordingly, OEA does not recommend any mitigation regarding compliance with Section 404 permitting requirements. OEA is sending a copy of this EA to the Corps for review and comment.

Three sections of the NCDENR, Division of Waste Management (DWM) submitted comments in the present abandonment proceeding. The DWM, Hazardous Waste Section submitted comments stating that the section has no objections to the abandonment as proposed. DWM states that, if solid waste is generated during salvage activities, YRC should determine if the generated waste is hazardous waste. DWM also states that, if 220 pounds or more of hazardous waste is generated during a calendar month, YRC should notify DWM and comply with DWM's small quantity generator requirements. If 2200 pounds or more of hazardous waste is generated in a calendar month, DWM states that YRC should notify DWM and comply with DWM's large quantity generator requirements. Because the only planned salvage activity is the removal of two bridges, OEA does not anticipate that the proposed abandonment would result in the production of any hazardous waste beyond the thresholds set by DWM.

The DWM, Underground Storage Tank Section submitted general comments pertaining to all railroad abandonments. In these comments, DWM states that (1) any abandoned or out of use petroleum storage tanks in the project area should be removed; (2) any petroleum spills should be contained and the area of impact properly restored, as required by DWM regulations, and that DWM should be notified of petroleum spills of significant quantity; and (3) any soils excavated during demolition or construction that show evidence of petroleum contamination, such as stained soil, odors, or free product, should be reported immediately to DWM and to the local Fire Marshall in order to determine whether explosion or inhalation hazards exist and that

contaminated soils should be handled in accordance with all applicable regulations. Because the only planned salvage activity is the removal of two bridges, OEA does not anticipate that any underground or above ground petroleum storage tanks would be affected by the proposed abandonment.

The DWM, Solid Waste Section submitted comments stating that the proposed abandonment would not have an adverse impact on the surrounding community from a solid waste perspective. DWM recommends that YRC and its contractors make every feasible effort to minimize the generation of waste during the bridge removal process, to recycle materials for which viable markets exist, and to use recycled products and materials in the implementation of the project, where feasible. DWM also states that YRC should dispose of any waste generated by the project that cannot be beneficially reused or recycled at a permitted solid waste management facility and recommends that YRC require its contractors to provide proof of proper disposal for all waste generated during the project in the form of disposal tickets. In order to address DWM's comments regarding hazardous waste, petroleum storage tanks, and solid waste management, OEA recommends that a condition be imposed requiring YRC to consult with DWM regarding the management of waste resulting from salvage activity and to comply with all applicable requirements.

YRC has requested comments from the National Park Service (NPS) regarding the potential impact of the proposed abandonment on wildlife sanctuaries or refuges, parks, or other protected areas, but has received no response to date. In its review of available geospatial data, OEA has concluded that the proposed abandonment is not located in or immediately adjacent to any park; wildlife sanctuary or refuge; or other protected area. Accordingly, no mitigation regarding protected areas is recommended.

The National Geodetic Survey (NGS) submitted comments in the 2006 abandonment proceeding in which NGS identified eight geodetic station markers located in the project area. Accordingly, OEA is recommending a condition requiring YRC to notify NGS prior to beginning salvage activities that could disturb or destroy the station markers.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts. OEA is providing a copy of this EA to NCDENR and the Corps for review and comment.

HISTORIC REVIEW

According to YRC, the Line was originally constructed between 1890 and 1891 as part of the Yadkin Railroad, which extended between Salisbury and Norwood, North Carolina. The Line was operated by Southern Railway Company (SR) until 1919, when YRC began

independent operations. In 1938, YRC abandoned the 9.5 rail line segment between Albemarle and Norwood, North Carolina, but retained the southern terminus near Albemarle. In 1951, Carolina and Northwestern Railway Company (C&NW), an SR subsidiary, acquired control of YRC. C&CW was subsequently merged into SR in 1988. In 1990, SR changed its name to Norfolk Southern Railway Company (NSR) and in 2004 YRC became a wholly-owned subsidiary of NSR.

Three bridges are located on the Line, two of which would be removed as part of the proposed abandonment. The bridge over Poplin Creek at approximately Milepost N 29.9 would be removed. This is a timber trestle bridge that is 135 feet in length constructed in 1945. YRC notes that the bridge has recently been modified for pedestrian use by unknown persons without the railroad's knowledge or authorization. The bridge over Little Long Creek at approximately Milepost N 31.5 would also be removed. It is a 53 foot-long timber trestle bridge 53 constructed in 1915. The bridge over Town Creek at approximately Milepost N 29.5 is located on the portion of the Line that would be retained for use as an industrial lead track and thus would not be removed as part of this abandonment proceeding. It is a deck plate girder and timber trestle bridge that is 91 feet in length and was constructed in 1947.

YRC served the Historic Report, including topographic maps of the rail right-of-way (the Area of Potential Effect or APE), on the North Carolina Department of Cultural Resources (State Historic Preservation Officer or SHPO), pursuant to 49 C.F.R. § 1105.8(c). YRC also provided the SHPO with photographs of the bridges over Poplin Creek and Town Creek. YRC states that photographs of the bridge over Little Long Creek were not obtained because the bridge is inaccessible and overgrown with vegetation.

The SHPO submitted comments in the 2006 abandonment proceeding stating that the proposed abandonment would have no effect on historic structures. The SHPO submitted additional comments in the present abandonment proceeding, in which the SHPO identifies several historic properties located adjacent to or near the Line. These properties include the Wiscasset Mills Historic District, the Albemarle Railroad Historic District, the Winston-Salem Southbound Depot, and the Albemarle Downtown Historic District. The SHPO states that the historic properties would not be adversely affected by the proposed abandonment. The SHPO also states that there are no known archaeological sites within the proposed project area and that it is unlikely that any archaeological sites eligible for listing in the National Register of Historic Places (National Register) would be affected by the project. The SHPO recommends that no archaeological investigation be conducted in connection with the project.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that no known historic properties listed in or eligible for inclusion in the National Register would be adversely affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's Historic Report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at www.stb.dot.gov.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the National Park Service Native American Consultation Database to identify federally recognized tribes that may have ancestral connections to the project area.⁶ The search did not identify any federally recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment.

CONDITIONS

We recommend that the following conditions be imposed on any decision granting abandonment authority:

- 1. Yadkin Railroad Company shall consult with the North Carolina Department of Environment and Natural Resources, Division of Land Resources prior to beginning any salvage activities regarding applicable erosion and sedimentation control requirements**
- 2. Yadkin Railroad Company shall consult with the North Carolina Department of Environment and Natural Resources, Division of Water Quality prior to beginning any salvage activities regarding applicable National Pollutant Discharge Elimination System requirements.**
- 3. Yadkin Railroad Company shall consult with the North Carolina Department of Environment and Natural Resources' Mooresville Regional Office prior to beginning any salvage activities regarding potential impacts to surface waters or wetlands from the proposed bridge removal activities and applicable requirements, and any other applicable requirements.**
- 4. Yadkin Railroad Company shall consult with the North Carolina Wildlife Resources Commission prior to beginning bridge removal activities regarding voluntary actions to minimize potential impacts to aquatic and terrestrial wildlife resources.**
- 5. Yadkin Railroad Company shall consult with the North Carolina Department of Environmental and Natural Resources, Division of Waste Management regarding the disposal of waste generated during salvage activities and shall comply with all applicable requirements.**
- 6. Yadkin Railroad Company shall notify the National Geodetic Survey (NGS) at least 90 days prior to beginning any salvage activities that may disturb or destroy**

⁶ National Park Service, National NAGPRA Program Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited July 7, 2014).

geodetic station markers identified by NGS in order to plan for the possible relocation of the geodetic station markers.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the Line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption would not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

Requests for a notice of interim trail use (NITU) are due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Joshua Wayland, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-290 (Sub-No. 360X) in all**

correspondence, including e-filings, addressed to the Board. If you have any questions regarding this Environmental Assessment, please contact Joshua Wayland, the environmental contact for this case, by phone at (202) 245-0330, fax at (202) 245-0454, or e-mail at waylandj@stb.dot.gov.

Date made available to the public: July 11, 2014

Comment due date: July 28, 2014

By the Board, Victoria Rutson, Director, Office of Environmental Analysis